

## **PROCEEDINGS OF THE BROWN COUNTY EXECUTIVE COMMITTEE**

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Executive Committee** was held on Wednesday, September 9, 2009 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin.

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**Present:** Mary Scray, Guy Zima, Bernie Erickson, Pat Evans, Tom Lund, Andy Nicholson, John VanderLeest.

**Excused:**

**Also Present:** Tom Hinz, Paula Kazik, Debbie Klarkowski, Dennis Kocken, Fred Mohr, Sara Perrizo, Jayme Sellen, Lynn VandenLangenberg, Don VanderKelen.  
Supervisor LaViolette.  
Media, Other Interested Parties.

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**I. Call meeting to order:**

The meeting was called to order by Chair Scray at 6:05 p.m.

**II. Approve/modify agenda:**

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ERICKSON TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**III. Approve/modify minutes of August 17, 2009:**

**A MOTION WAS MADE BY SUPERVISOR ERICKSON AND SECONDED BY SUPERVISOR LUND TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**Comments from the Public:**

**William Eavers, 704 N. Irwin, Green Bay**

Mr. Eavers said he was appearing before the committee regarding illegal immigrants being on welfare. He distributed handouts (copies attached). He said the fraud investigations should continue and should be enhanced. He explained that he has had personal experience with illegal immigrants making \$8,000 per month and collecting welfare. He said it was his understanding that you can not ask someone applying for welfare if the person(s) is here legally; "and that's wrong." He referred to the handout he presented from the Federation for American Immigration Reform (FAIR) which he said states that people can, in fact, be questioned regarding legal status. He also pointed out that in this same document are guidelines for recovering some of the money fraudulently obtained. Mr. Eavers said his concern is not with legal immigrants, but rather those individuals who are in the country illegally.

Chair Scray asked Mr. Eavers if the Brown County fraud investigators were helpful. Mr. Eavers replied, "They were great." He specifically complimented Marian Downing, of the Brown County ES Fraud Unit.

Supervisor Zima asked if there was any more recent documentation; Mr. Eavers said the information he has obtained, including more recent cases, refers back to the 1996 ruling.

Supervisor Erickson asked if Mr. Eavers conducted background checks on potential residents and suggested a website (wicourts.gov) as a possible help. Mr. Eavers said he had used this website.

### **Communications**

1. **Communication from Chair Scray re: Review BC requirements of ID when applying for any Social Services from the County. Discuss the possibility of making Brown County requirements of ID stricter to prevent fraud. (Referred from August County Board) :**

(Supervisor VanderLeest arrived at 6:13 p.m.)

Chair Scray said she is bringing this up again, because "it deserves another look." She said she understands that Brown County has to abide by state and federal requirements; however, she stated that she wants to make certain that Brown County is doing everything within its legal realm. She said the other alternative would be to build up the fraud investigations unit, because "there is too much of this going on."

Chair Scray said she is going to refer this to Human Services Committee and Public Safety Committee in order to work on this until "we actually come up with a better solution."

**A MOTION WAS MADE BY SUPERVISOR ERICKSON AND SECONDED BY SUPERVISOR ZIMA TO BRING THIS BACK CONTINUOUSLY AT EVERY MEETING FOR UPDATES FROM BOARD ATTORNEY, STAFF REPORTS, OR ANY INFORMATION GAINED BY COMMITTEE MEMBERS. Vote taken. MOTION CARRIED UNANIMOUSLY.**

Supervisor Lund said he thinks Brown County should go to the full extent that the law provides in investigating fraud. He stated that most of the dollars are not local tax dollars but are Federal "pass-through" dollars; however, if each county in this country would pursue the fraud investigations, "this would go away."

(Supervisor Nicholson arrived at 6:19 p.m.)

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR VANDER LEESE TO REFER TO ATTORNEY TO HAVE A RESOLUTION TO THE STATE THAT IN ORDER TO GET A DRIVER'S LICENSE OR STATE ID IN THIS STATE, YOU MUST HAVE PROOF OF CITIZENSHIP AND LEGAL DOCUMENTATION. Vote taken. MOTION CARRIED UNANIMOUSLY.**

Supervisor VanderLeest stated that he knows there are some communities in this country that do a better job of screening and verifying citizenship. He suggested a "full reform package" on changes that can be made at the county and state levels. Chair Scray said she appreciated his input and asked that Supervisor VanderLeest share that information. Supervisor VanderLeest said he would bring back additional information at the next meeting.

Supervisor Zima stated that Brown County has initiated this in the past; however, state and federal legislation was not there. He continued by saying that it was the intent of some of these motions to have attention drawn to this issue. He said everyone knows the burden illegal immigrants are placing on our society in many areas—not only welfare and the fraud that goes along with it. He suggested that Brown County involve other counties and make some demands for changes in legislation. He said he thinks "the general public is very heavily weighted in the same opinion."

Supervisor Zima said he thinks the procedures of the Brown County Human Services Department need to be reviewed, i.e., how screening is performed. He opined that Human Services Department seems reluctant to do this, and there needs to be a change in attitude. He continued by saying the Human Services Department needs to be restructured, "so that it's doing the work we want them to do. They have been kind of running on their own, telling us what to do." He suggested that the Human Services Department appear before the Human Services Committee for review and asked that he be notified when that would take place, so he could attend.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR ERICKSON TO SUSPEND THE RULES TO ALLOW INTERESTED PARTIES TO SPEAK. Vote taken. MOTION CARRIED UNANIMOUSLY.**

William Eavers said another approach would be to have people prove eligibility prior to being given benefits. This could be done by asking every person to prove citizenship. He said once a person is receiving benefits, it is "almost impossible to catch" them.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR ERICKSON TO RETURN TO REGULAR ORDER OF BUSINESS. Vote taken. MOTION CARRIED UNANIMOUSLY.**

Chair Scray commented that not all persons charged with fraud are illegal immigrants; there are a lot of U.S. citizens involved with the fraud as well. She said this applies to all aspects of fraud—not just illegal immigrants.

**2. Communication from Supervisor Nicholson re: Request to develop a county policy for all departments that if a County resident is involved with County Business that customer service is a top priority. (Referred from August County Board.):**

Supervisor Nicholson said he put this in for Supervisor VanderLeest. Supervisor VanderLeest said he has had phone calls and the personal experience of being asked to return to a county office to complete business, because it was closing

time, even though the business could have been completed rather quickly. He asked for clarification of union rules related to service.

Don VanderKelen, Labor Negotiator, said there were no union rules that restrict service to the public. He continued by saying that this is the LEAN Program—the customer comes first. Supervisor Zima said there could be overtime involved. Mr. VanderKelen said in the union contract if you work overtime, you get paid for it at time and a half.

Supervisor VanderLeest asked Fred Mohr, Brown County Board Attorney, to clarify. Mr. Mohr said this would be determined by how pay increments are calculated. If an employee works more than ½ of the increment, then the employee would be entitled to pay. He used the example: If a person is paid in 15 minute increments and works 8 minutes over, the employee would be entitled to 15 minutes of overtime; however, if that same person works 7 minutes over, the employee would not receive 15 minutes of overtime. Supervisor Zima says this does not apply to administrative employees, who could complete the transactions.

Mr. VanderKelen said the department head should have instructed staff not to interrupt service because of the mere fact that it is closing time

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR VANDER LEEST TO DEVELOP A POLICY WHEREBY DEPARTMENT HEADS AND STAFF HANDLE ALL CUSTOMER SERVICE REQUESTS FOR PEOPLE WHO ARE IN THE DEPARTMENT BEFORE CLOSING TIME AND REFER THIS TO THE ATTORNEY FOR DRAFTING. Vote taken. AYES: 4 (Nicholson, Scray, VanderLeest, Zima); NAYS: 2 (Erickson, Lund); ABSTAIN: 1 (Evans). MOTION CARRIED.**

Supervisor Erickson said each individual case would determine how it is handled; therefore, he will not support this. He continued by saying he would not pass laws when he is only hearing one side of the story and the department head is not here to present the other side.

Supervisor Lund said administratively the department head should look at each situation individually; for instance, if someone comes in at the last minute with transactions that could take a long time to process, the decision should be left to the judgment of the department head. He continued by saying many department heads are elected; and if there is a concern, that can be addressed at time of re-election. He opined that Brown County does not need to have this superfluous ruling and that obviously everyone should take the common sense approach to customer service. He also suggested that many of the services Brown County provides could be accomplished through the use of the county's on-line tools; because there have been reductions in staff in many departments. He said he supports good customer service; and if there is a problem with an individual, he would be willing to assist.

Supervisor Zima opined that it is important to have a general policy stating that the doors be locked at closing time and business for those people already in the department be transacted, provided the work does not exceed 10-15 minutes.

He said this is about customer service for the public, which should be the No. 1 Mission; however, "that doesn't mean we can allow customers to abuse the taxpayers either and run big bills up on us unnecessarily. So we have to balance those two things."

Supervisor VanderLeest explained the details of his own personal experience and said he thinks it makes sense to have a uniform policy when dealing with the public. He also said, "We have oversight over the elected bodies...so we set the policies on how the county runs and operates those places." He said for this reason he totally disagrees with what Supervisor Lund said.

(Supervisor Evans arrived at 6:38 p.m.)

Supervisor LaViolette said she believes strongly in customer service and so much of it is common sense, and continued by saying she wondered if it was really necessary to draft a policy based on one complaint. She also recommended that when supervisors go into a department and have this type of experience, they talk to the department head before bringing it to a committee. She said as a previous department head she would have appreciated that this be brought to her attention first. She felt this was the most efficient way to handle a situation like this, and asked if something of this nature warrants writing a policy.

3. **Communication from Supervisor Warpinski re: To amend Chapter 2.04(1)(d) of the Brown County Code to strike and replace the word "secret" with the word "open." (Referred back to Executive Committee as per August County Board.):**

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR EVANS TO RECEIVE AND PLACE ON FILE. Vote taken.  
MOTION CARRIED UNANIMOUSLY.**

4. **Communication from Supervisor LaViolette re: Propose that the County Board Chair, Vice-Chair and members of the Executive Committee develop both a timeline and strategies for dealing with the 2010 budget focused on effective, efficient, and transparent principles that would be inclusive and respectful of all participants. (Held for one month.):**

Chair Scray said she had spoken with Supervisor LaViolette and that Supervisor LaViolette is agreeable to having the County Board Chair and Vice-Chair continue to work on this, and Supervisor LaViolette does favor a time limit at night. Chair Scray stated that there have been a number of suggestions.

Supervisor Zima said he had also spoken with Supervisor LaViolette, and said she makes a good point that if the meeting starts at 9:00 a.m., would 10:00 p.m. on the first day be enough? He said that will be taken under advisement and the circumstances will be considered, while keeping in mind the general principles of providing service to the public.

Supervisor LaViolette added that she hoped the committees would be encouraged to do work on their respective budgets, rather than pass them on to the County Board for action. She suggested that budgets be discussed at committee level and passed on with recommendations. She also suggested

prioritizing the more important issues for discussion earlier in the day. She expressed appreciation for the leadership.

Supervisor Lund expressed that he would be very willing to have the public hearing the week before the budget meeting instead of during the budget meeting. He said the public's views would be available in advance, and this would improve the efficiency of the budget meeting. He explained that opening the hearing for the public at 6:00 or 7:00 in the evening after some of the committees' reports have been passed would not be the most beneficial. He said this meeting for the public would be for the supervisors to listen and not debate, either with the public or among themselves, and would include time limits for speakers.

Supervisor Erickson said he agreed with Supervisor Lund and requested one addition that the regular board meeting be held prior to the budget meeting; so comments from the public and the regular board meeting would be complete prior to the budget meeting. He indicated that this was successful in the past.

Supervisor VanderLeest expressed concern that the board members would not be able to recall the public's input from the week before the budget meeting. He said he thinks the public hearing should be on the same day as the budget meeting. He indicated that he was not opposed to breaking up the regular items, but the public hearing should be the morning and evening of the day of the budget meeting.

Supervisor Evans stated that the public can address specific items at any of the committee meetings. He opined that the way the budget meetings have been in the past has worked, and he would not favor changing the procedure. He also said if people can not attend the budget meeting, they could contact their supervisor via phone, e-mail, etc.

Supervisor Lund said regarding a public hearing, Congress is currently holding listening sessions around the country on healthcare reform; and Congress is certainly not going to have a debate right before their meeting. He continued by saying he thinks Brown County has some "pretty high level people that can remember what happened the week before..." He reiterated that he would be against having a public meeting at 5:00 after most of the budget has been solved.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR EVANS TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**Legal Bills**

**5. Review and Possible Action on Legal Bills to be paid:**

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR ERICKSON TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**6. Reconsideration of Davis-Kuelthau bills. (Held for one month.):**

Supervisor Zima asked Mr. Mohr if Brown County had collected the files from Davis-Kuelthau since last month. Mr. Mohr said he was under the impression that the files have been collected. Tom Hinz, Brown County Executive, said he spoke with Corporation Counsel and all files (except Syble Hopp) have been retrieved. Mr. Mohr continued by saying that he is aware of one issue that is still pending, which is the petition to the Supreme Court on the transport case. He said he spoke with John Luetscher, Corporation Counsel; and this has been resolved.

Supervisor Zima asked if the final billing had been received. Mr. Mohr said Syble Hopp matters will still be handled through another attorney at Davis-Kuelthau.

Chair Scray asked Executive Hinz if he had notified the department heads to direct legal matters to Corporation Counsel; Executive Hinz said a memo was e-mailed shortly after the request.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR VANDER LEESE TO HOLD PAYMENT OF DAVIS-KUELTHAU BILLS UNTIL FINAL BILLING AND GET MORE DETAILS ON THE BILLS.**

**Vote taken. MOTION CARRIED UNANIMOUSLY.**

Supervisor Nicholson asked if the intent was to hold all of the Davis-Kuelthau bills until all documentation was received. Chair Scray said that is true except for invoices pertaining to Syble Hopp. Mr. Mohr said Syble Hopp is using the same law firm, but a different attorney; and the bills are going directly to Syble Hopp.

Supervisor Zima said he expressed frustration at the last meeting and requested that Sara Perrizo, Internal Auditor, research this. She reported that the amount of the charges billed by Davis-Kuelthau during this administration were approximately \$167,000. In addition, she reported that since March, 2009 (the last time the motion was made to hand the files over) approximately \$13,000 was billed; and since August, 2008 (when the administration was originally asked to retrieve the files) it has been approximately \$54,000. Supervisor Zima said Executive Hinz "has continually said that he doesn't hire this person—that it's done by his staff; of course, he rules the staff." He continued by saying the total of the invoices for this firm for the previous 4 years under the previous administration was only approximately \$1,100. Supervisor Zima asked if it was just coincidence that the treasurer for Executive Hinz has billed Brown County \$167,000 since Executive Hinz has been in office, and only \$1,100 during the previous administration. Supervisor Zima said this must come to a halt—"this doesn't pass the smell test." He continued by saying he hopes this is coming to a conclusion.

Supervisor Lund said he thinks any attorney services should go through Corporation Counsel first before an outside legal firm. He stated that this is the reason Brown County has Corporation Counsel. He recognized that if Corporation Counsel is unable to proceed with a case due to conflict of interest, etc., it must be reported to the committee. He also said Corporation Counsel should be at this meeting.

Supervisor VanderLeest asked Mr. Mohr what rights the County Board has to prevent the County Executive from using this law firm.

Supervisor Zima recommended that a resolution be drafted indicating that the parent committee approve the use of funds for any budgeted contract services other than those for which Brown County has a specific contract. He asked Mr. Mohr to put this on the Executive Committee's next agenda. He continued by saying that as far as Corporation Counsel attending the meetings, he thinks department heads only need to attend meetings when there is something on the agenda pertinent to their department.

## **Reports**

### **7. County Executive Report.**

#### **a. Budget Status Financial Report for July 31, 2009:**

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR EVANS TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

#### **b. Request for Budget Transfer (#09-59): Interdepartmental Transfer: Request to cover the 2008 Executive deficit in the amount of \$1,270:**

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR EVANS TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

### **8. Labor Negotiator Report:**

Don VanderKelen opined that negotiations of contracts are going along pretty well. He said he will meet the guidelines "without any large trouble."

Mr. VanderKelen said he is working with the Public Safety Committee on productivity standards.

Mr. VanderKelen reported that a petition was received from the supervisors in the Public Safety Department asking for organization. He said he called WRC (Worker Rights Consortium) and learned that supervisors can not be part of a union. He did report that in Wisconsin supervisors in fire and police departments are allowed to be recognized as a bargaining unit, but would not have the right to bargain.

Mr. VanderKelen closed by saying one of the axioms of labor operation in contract situation is that the big cost is not the wage rate; because that is known. Instead the big cost is in the language in the contract where things have been bargained that were not "bargainable" (permissive bargaining). He noted that there are items like this in the contracts, and he and Mr. Mohr are working on ways to remove these. He explained that this is accomplished by filing repudiation at the time of contract renewal. He said he and Mr. Mohr are addressing these as the contracts expire; and "Fred's too modest, but I'll tell you right now we'll win every one of them."



**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ZIMA TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**9. Internal Auditor Report.**

**a. Budget Status Financial Report for July 31, 2009:**

**A MOTION WAS MADE BY SUPERVISOR ERICKSON AND SECONDED BY SUPERVISOR VANDER LEESE TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**b. Other:**

Ms. Perrizo said she spent a lot of time being trained on Crystal Reporting; she stated that this will be a valuable tool to be used during budget time. She said she also had some Logos training (the new financial system) and spoke highly of the new system.

Regarding the golf course point of sale implementation, she stated that she spoke with Bob Heimann, Director of Information Services, and that he expects the equipment to be installed the middle of September. She explained that there is some training after the equipment is installed and that the target date of October 1 should be reached.

Ms. Perrizo continued by saying Supervisor Lund had asked her to review the airport contracts. She said there are between 20 and 25 contracts, and she started reviewing these last week. She noted that the airport randomly audits one contract each year through an outside auditing firm. She said she will continue her review.

Ms. Perrizo reported that another issue arose while she was at the airport. The airport does not have a scanner, so she obtained a quote from Purchasing of about \$9,000. She said this seemed high, so she received another quote of about \$4,500. While reviewing this with Purchasing, she learned that the more expensive machine had some additional features that might not be necessary. Furthermore, this quote was obtained through state contract pricing. She indicated that Purchasing will be reviewing the procedures and other options for purchasing and leasing equipment.

Supervisor Zima said Brown County has a contract to order everything through the state; there is a RFP (Request for Purchase) agreement that Brown County will purchase copy machines through the state. However, "we are paying somewhere between 50 percent and double what we need to be paying." He said one of the goals now is to review the purchasing procedures.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR LUND TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**10. Board Attorney Report:**

Mr. Mohr reported that a special meeting was held by the Public Safety Committee; and approval was granted to enter into a termination agreement with FoxComm. He said FoxComm has continued to remove the equipment "that is theirs;" and it looks like that will be completed shortly. He reported that FoxComm has agreed to and signed the termination agreement and the release that Motorola needed, so the configuration files can be transferred next week. He said Jim Nickel, Public Safety Communications Director, predicts that Brown County is on target to transfer to the live system and download larger incident files by October 27; so Brown County "is right on schedule."

Supervisor Zima expressed appreciation to Mr. Mohr for his involvement and asked how much time Mr. Mohr spent on this issue, to which Mr. Mohr reported between 35 and 40 hours. Supervisor Zima said he wanted the Committee to understand that Mr. Mohr was not paid for this; and this work should have been performed by Corporation Counsel since Mr. Mohr's role is that of Board Attorney with additional responsibility for labor contracts and personnel issues. Supervisor Zima said "this was a 40-hour freebie" and expressed his personal thanks for the work Mr. Mohr voluntarily performed for Brown County.

**A MOTION WAS MADE BY SUPERVISOR VANDER LEEST AND SECONDED BY SUPERVISOR ERICKSON TO RECEIVE AND PLACE ON FILE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**Resolution, Ordinances**

- 11. Ordinance re: to Repeal and Re-Creat Section 3.14 "Budget Transfer" of the Brown County Code. (Motion at Admin Committee was to Approve.):** Supervisor Zima asked if Mr. Mohr had reviewed this; Mr. Mohr replied that he had not. Lynn VandenLangenberg, Director of Administration, reported that with putting in the new system the terminology changed from "budget transfer" to "budget amendment." Also, with the new chart of accounts, there are new groupings that should be reflected. Finally, the "Office of Management and Budget" is now termed the "Department of Administration."

Supervisor Zima asked if there were any policy changes in this, to which Ms. VandenLangenberg indicated that there were not.

**A MOTION WAS MADE BY SUPERVISOR ZIMA AND SECONDED BY SUPERVISOR LUND TO APPROVE. Vote taken. MOTION CARRIED UNANIMOUSLY.**

- 12. Closed Session: Pursuant to sec. 19.85(1)(e), Wis. Stats., for the purpose of deliberating the purchasing of public properties requiring a closed session due to competitive or bargaining reasons:**

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ERICKSON TO ENTER INTO CLOSED SESSION. AYES: 6 (Lund, Erickson, Zima, Evans, VanderLeest, and Scray) AND NAYS: 1 (Nicholson). MOTION CARRIED. ROLL CALL: LUND, ERICKSON, ZIMA, NICHOLSON, EVANS, VANDER LEEST, SCRAY.**

(Recording Secretary excused at 7:27 p.m.)

**A MOTION WAS MADE BY SUPERVISOR LUND AND SECONDED BY SUPERVISOR ERICKSON TO RETURN TO REGULAR ORDER OF BUSINESS. MOTION CARRIED UNANIMOUSLY. ROLL CALL: LUND, ERICKSON, ZIMA, NICHOLSON, EVANS, VANDER LEEST, SCRAY. MOTION CARRIED.**

No Action Taken.

- 13. Closed Session: Pursuant to sec. 19.85(1)(c), Wis. Stats., considering compensation data of a public employee over which Brown County has jurisdiction or exercises responsibility:**

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR ZIMA TO ENTER INTO CLOSED SESSION. AYES: 6 (Lund, Erickson, Zima, Evans, VanderLeest, and Scray) AND NAYS: 1 (Nicholson). MOTION CARRIED. ROLL CALL: LUND, ERICKSON, ZIMA, NICHOLSON, EVANS, VANDER LEEST, SCRAY.**

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR ZIMA TO RETURN TO REGULAR ORDER OF BUSINESS. MOTION CARRIED UNANIMOUSLY. ROLL CALL: LUND, ERICKSON, ZIMA, NICHOLSON, EVANS, VANDER LEEST, SCRAY.**

No Action Taken.

- 14. Such other matters as authorized by law: None.**

**A MOTION WAS MADE BY SUPERVISOR EVANS AND SECONDED BY SUPERVISOR ZIMA TO ADJOURN AT 9:00 P.M. Vote taken. MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Lisa M. Alexander  
Recording Secretary

Comments/Questions: At a time when our taxes are going up and we are supporting hundreds of illegal immigrants the acting director of the welfare department, Tom Egbrecht, wants to eliminate the fraud investigation unit. In addition, the Brown County Welfare Department has an unwritten policy that forbids the staff from making inquiries into the applicant's legal status. In other words, the policy makes at the BC Welfare Dept. are encouraging fraud and should be charge criminally, as a party to the crime, when fraud occurs.

Here is just one example of flagrant welfare fraud that went unchecked because of the BC Welfare Dept policies that prohibit the staff from making inquiries into the applicant's legal status and prohibiting the fraud investigation unit from doing their job.

A married couple calling themselves Daysi Pizana and David Estrada moved to Green Bay from California along with there parents. From what we have been able to find out they were all illegal immigrants that went on welfare. Daysi Pizana got a job at Encarda Staffing Solutions, 1100 W. Mason St. Green Bay, WI. 54303 where she hired other illegal immigrants for Georgia Pacific. One of them was her husband David Estrada. Her supervisors name was Marie Sotillo.

From information obtained later they were making about \$8000 per month in wages, collecting welfare, and trafficking in drugs. Also, based on information we obtained it appears they were using credit cards under their fictitious names to purchase whatever they wanted.

Eventually they bought a house at 1817 Burns, Green Bay, WI. 54303. Based on information we believe is accurate they used \$13,000 in cash for the down payment. To do this they apparently opened an account at a Wells Fargo Bank in their uncle's name, Jose Alvarado, 6613 Wynne Ave, Roseda, CA. They also owned 4 vehicles, SUV', Trucks, and Vans. When they moved into their new home they purchased all new furniture as per Daysi's statement.

It appears that Joe Alvarado did not actually participate in the purchase because when talking to the mortgage lender we were told that Daysi had a power of attorney from Joe Alvarado to sign all documents needed to complete the loan and purchase.

When Daysi Pizana and David Estrada moved out of the rental property to move into their new home they trashed the unit they were living in. They smashed a hole in the bathroom sink, tore wall tiles off, put burn marks in the carpet and left the freezer doors allowing the meat inside to rot. Among the rotten meat were 4 tenderloin strips priced between \$25.00 and \$30.00 each. Your tax dollars at work folks. The total damages to clean and repair the unit came to about \$2,500.

Comments from  
Public

The landlords started a small claims action to recover damages but even after getting a judgment against Jose Alarodo, Raquel Alvarado, David Estrada, and Daysi Pizana they refused to pay. Finally the landlords filed a Lis Pendens against their new home to start a foreclosure action they agreed to pay. When they appeared before the bank notary to have the release signed Daysi Pizana took the \$2,500 in cash from her purse but had the receipt for the money made out to her nephew.

During the legal proceedings the landlord discovered that these people were committing welfare fraud and reported it.

The welfare fraud investigator then discovered that they were all illegal immigrants and sent the information to the district attorney. The district attorney then discovered their true names and found that there were outstanding felony warrants against them for drug trafficking.

They are now charged as and with:

Raquel Sanchez; Brown County Case Number 2009CF000846

	Count No.	Statute	Description	Severity
H	1	49.95(1)(e)	PubAssist-Fraud/Benefits (>\$5000-10,000)	Felony
U	2	49.95(1)(c)	PubAssist-Fraud/Get Benefit(>\$1000-2000)	Misd.

Alfonso Sanchez-Rodriguez; Brown County Case Number 2009CF000848

	Count No.	Statute	Description	Severity
H	1	49.95(1)(e)	PubAssist-Fraud/Benefits (>\$5000-10,000)	Felony
U	2	49.95(1)(c)	PubAssist-Fraud/Get Benefit(>\$1000-2000)	Misd.

Alfonso is also being held on a felony warrant for drug trafficking.

They are both being represented by the public defenders office at taxpayer expense although an investigation will show that they have equity in their home, vehicles, and personal property at 1817 Burns, Green Bay, WI. 54303

The bottom line folks is that this taxpayer rip off could have been prevented if the Brown County Welfare Department had conducted a meaningful background check of every applicant that shows up for benefits. Illegal

Comments from  
Public

immigrants are not entitled to any benefits be it welfare, housing, or legal representation. The way we operate is equivalent to saying it is OK to break into our house and now that you're in it you are entitled to eat our food, sleep in our bed, take our money, and we'll also pay for your medical care.

It's time the Brown County Board stop letting the tail wag the dog and started implementing rules to require citizenship documentation before handing out benefits and giving the fraud department independent authority to investigate and prosecute fraud. Sure it will cost money but how much is it costing us now in outright theft and fraud. A few meaningful prosecutions and deportations will send a message to the other illegal aliens here that you can no longer steal from the Brown County Taxpayers.

*Comments  
from Public*



FEDERATION FOR AMERICAN IMMIGRATION REFORM

**Immigration Issue Centers : Immigration & Society**

## **Immigration and Welfare**



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Although the United States' welfare rolls are already swollen, every year we import more people who wind up on public assistance: immigrants. Many immigrants are poor; indeed, that is why they come here. The immigrants we admit are much poorer than the native population and are increasing the size of our impoverished population. As a result, the share of immigrant households below the poverty line (18 percent) is much higher than the share of native households that are poor (11 percent)—nearly twice as high. And immigrant households are more likely to participate in practically every one of the major means-tested programs. Immigrant use of welfare programs (21 percent) is 43 percent higher than non-immigrants' use (15 percent).<sup>1</sup>

Each year, state governments spend an estimated \$11 billion to \$22 billion to provide welfare to immigrants.<sup>2</sup>

### **Why Are Immigrants On Welfare?**

Some people mistakenly think that immigrants are not eligible for welfare. Several years ago, Congress did attempt to render immigrants ineligible for most forms of welfare. However, subsequent backpedaling by Congress and the executive branch has undone most of those reforms. Furthermore, many immigrant families get welfare through the eligibility of their U.S. citizen children. (It is also important to realize that even when immigrants are ineligible for federal welfare programs, the burden of their support is simply shifted over to the state and local welfare agencies.)

Refugees, asylees, and all amnestied illegal aliens are exempt from the public charge requirement.<sup>3</sup> Congress has decided that the American people will serve as the sponsors for these immigrants and pick up the tab for their support.

All other immigrants must pass a public charge test and have a U.S. sponsor or sponsors willing to pledge their income to support them. Before a potential immigrant receives an immigration visa, American consular officers are supposed to evaluate whether he or she is likely to become a public charge, and, if so, to deny the visa. The consular officer is supposed to take into account a variety of factors: the amount of support the sponsor can give, the resources and skills of the applicant,

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and any special conditions (such as age or infirmity) that might affect the applicant's need for support. The Immigration Reform and Immigrant Responsibility Act of 1996 set the new legal standard for the evaluation: the sponsor of the applicant must have an annual income of at least 125 percent of the federally designated poverty level. There are several problems with this standard:

- The sponsorship income level, only 25 percent higher than the poverty level, is so low that it does not prevent immigrants from going on welfare; in fact, it almost guarantees it. Say a sponsor begins with an income of 200 percent of poverty level and is, therefore, not considered "legally poor." But after splitting that income with the immigrant, each will be at 100 percent of the poverty level. Where before we had one non-poor person, now we have two poor people. Since eligibility for some welfare programs kicks in before one's income drops to 125 percent of poverty level, immigrants can easily wind up on welfare.
- While immigrants who receive welfare can be deported for violating the conditions under which they were admitted, this provision is rarely enforced; in fact, only twelve people have been deported under this provision since 1980.<sup>4</sup> Administrative rulings have held that an immigrant cannot be held responsible for receiving welfare unless the welfare agencies have sent the immigrant a bill for their services, demanded payment, and been refused payment.<sup>5</sup> Since welfare agencies do not do this, it is virtually impossible for an immigrant to be charged with violating the public charge provisions that can lead to deportation.
- Furthermore, numerous forms of welfare are not considered under the public charge test, including food stamps, pre-natal care, nutrition programs, housing assistance, energy assistance, job training programs, child care services, free or reduced school lunch, public shelters, health clinics, Medicaid, and any cash welfare programs that are not the family's sole source of income.<sup>6</sup> This insulates immigrants from being considered public charges unless they are completely dependent on welfare.

### What Types of Welfare Are Immigrants Eligible For?

As of the 1996 welfare reform bill, the following applies to eligibility for federal and state funded welfare programs:

- Legal immigrants are barred from all federal means-tested public benefits for five years after entering the country and barred from SSI and food stamps until citizenship. They are also barred from all federal means-tested public benefits for five years.<sup>7</sup>
- Benefits available to immigrants include school lunch and breakfast programs, immunizations, emergency medical

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services, disaster relief, and others programs that are necessary to protect life and safety as identified by the attorney general, regardless of immigration status.<sup>8</sup>

→ • Illegal immigrants are barred from the following federal public benefits: grants, contracts, loans, licenses, retirement, welfare, health, disability, public or assisted housing, post secondary education, food assistance, and unemployment benefits. States are barred from providing state or locally funded benefits to illegal immigrants unless a state law is enacted granting such authority.<sup>9</sup>

### **Welfare Reform Failed to Solve the Problem**

Despite expectations that the 1996 welfare reform bill would cause significant changes in immigrant welfare use, it has actually remained at the same level. The 1996 welfare reforms failed because while the legislation cut immigrants off from certain welfare programs, the savings that resulted from those cuts were not high enough to offset the increased usage of the remaining programs, due to the continuing high number of immigrants entering the U.S. every year.

While both Temporary Aid to Needy Families (TANF) and food stamp use have declined by four percent, the decline did not result in any significant savings, as those costs were offset by increases in Medicaid use, which has increased among immigrant households. The total combined value of benefits and payments received by immigrant households from welfare programs remained almost the same, averaging almost \$2,000 in 2001, about 50 percent higher than natives. Such high rates of immigrant welfare use, combined with the rapidly increasing immigrant population, has resulted in a four percent increase in the number of immigrant households on welfare, from 14 percent in 1996 to 18 percent in 2000.<sup>10</sup>

### **Outlook for the Future**

The highest welfare use rates for immigrants are in New York (30 percent), California (28 percent), Massachusetts (25 percent), and Texas (25 percent).<sup>12</sup>

Immigrants are eleven percent of our population, but they are 20 percent of the poor population. Unless our immigration policies are reevaluated and changed accordingly, welfare usage and subsequent costs will remain high.

Instead of addressing the problem, some in Congress have suggested measures that would make it even worse, such as proposals to *increase* immigrants' eligibility for benefits. The Congressional Budget Office estimates that making legal immigrants eligible for Medicaid and the State Children's Health Insurance Program (SCHIP) would cost an estimated \$2.24 billion over ten years.<sup>11</sup>

→ If we are to have any hope of reducing poverty in the U.S., our immigration laws must be revised and returned to the sensible practice of excluding aliens who are likely to become public charges and to deport those who do.

Characteristics: 1990 and 2000, Census 2000, U.S. Census Bureau.

2. Steven A. Camarota, "Back Where We Started: An Examination of Trends in Immigrant Welfare Use Since Welfare Reform," Center for Immigration Studies, March 2003.
3. Immigration and Nationality Act § 102 [8 U.S.C. 1102].
4. Immigration and Nationality Act § 237A(5).
5. Matter of B-, 3 I.&N.Dec.323 (AG and BIA 1948).
6. Personal Responsibility and Work Opportunity Reconciliation Act of 1996 § 110.
7. Personal Responsibility and Work Opportunity Reconciliation Act of 1996 § 411. Exceptions include refugees, asylees, those granted withholding of deportation for their first five years in the U.S., veterans, active duty military, and their spouses and dependents. After the five-year bar on federal benefits, states may offer Medicaid, federal cash (Temporary Assistance for Needy Families - TANF) assistance, and services under the SSBG if deeming provisions are applied.
8. Personal Responsibility and Work Opportunity Reconciliation Act of 1996 § 432.
9. Personal Responsibility and Work Opportunity Reconciliation Act of 1996 § 401.
10. Camarota, *op. cit.*
11. "Graham Faults Administration for Shortsighted Health Care Policy," press release, U.S. Senator Bob Graham, May 1, 2003.
12. Camarota, *op.cit.*

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## *Brown County Children With Disabilities Education Board*

Syble Hopp School  
755 Scheuring Road  
De Pere, WI 54115

Phone: (920) 336-5754  
Fax: (920) 336-7262

September 4, 2009

TO: Members of the Brown County Executive Committee

FR: Barb Natelle

RE: Quarterly Report of Legal Bills for Syble Hopp School

Listed below are the legal bills paid by Syble Hopp School during the months of June to August, 2009. Legal services were provided by Davis/Kuelthau Attorneys at Law.

<u>Invoice #</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>	<u>Description of Services Provided</u>
298700	9/26/08	\$817.00	Review parent IEP and student transportation issues.
301174	7/22/09	\$215.00	ECE Professional teacher contract retirement issue.
310175	7/22/09	\$1,209.00	Union contract negotiations.
	Total Payments	\$2,241.00	

